

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KEENAN JOSEPH TILLISON,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

NO: 1:20-CV-3107-TOR

ORDER OF DISMISSAL
WITHOUT PREJUDICE

By Order filed September 29, 2020, the Court granted Petitioner, a pretrial detainee at the Yakima County Jail, leave to proceed *in forma pauperis* and directed him to show cause why his *pro se* Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 should not be dismissed due to Petitioner's failure to exhaust state court remedies and as a proper exercise of abstention under *Younger v Harris*, 401 U.S. 37, (1971). ECF No. 8. The Court cautioned Petitioner that failure to show cause would be construed as his consent to the dismissal of this action. *Id.* at 7. The deadline to file has passed and Petitioner has filed nothing further.

1 In his petition, Petitioner failed to name a proper party as Respondent. *See*
2 *Rumsfeld v. Padilla*, 542 U.S. 426 (2004); *Stanley v. Cal. Supreme Court*, 21 F.3d
3 359, 360 (9th Cir. 1994). He also failed to demonstrate that he exhausted his state
4 court remedies to the state supreme court. *See Peterson v. Lampert*, 319 F.3d 1153,
5 1156 (9th Cir. 2003); *Vang v. Nevada*, 329 F.3d 1069, 1075 (9th Cir. 2003).

6 For the reasons set forth above and in the Order to Proceed *in forma pauperis*
7 and Order to Show Cause, ECF No. 8, the Court finds it appropriate to dismiss this
8 action without prejudice for failure to exhaust state court remedies. Because it
9 plainly appears that Petitioner is not entitled to relief in this Court, **IT IS ORDERED**
10 the petition, ECF No. 1, is **DISMISSED** pursuant to Rule 4, Rules Governing
11 Section 2254 Cases in the United States District Courts.

12 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
13 enter judgment, provide copies to Petitioner at his last known address, and close the
14 file. The Court certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this
15 decision could not be taken in good faith, and there is no basis upon which to issue
16 a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A
17 certificate of appealability is therefore **DENIED**.

18 **DATED** November 3, 2020.



Thomas O. Rice
THOMAS O. RICE
United States District Judge